



Hearing: "Protecting the Right to Vote: Election Deception and Irregularities in Recent Federal Elections"

There is no more important issue that comes before this committee, this congress, or this nation that protecting the right to vote. Our democracy is premised on the notion of one person, one vote. It is the keystone right of our nation, and without it, all of the other rights and privileges of our people would quickly become meaningless.

Protecting this precious right does not come easily or cheaply. In a very real sense, we fought a war of Independence with England over our people's right to vote, and the most basic reform that grew out of the Civil War was the Fifteenth's Amendment's protection of the right to vote. Even then, it was not until we passed the Voting Rights Act in 1965 that we began to give true meaning to that right.

There is a constant ebb and flow in our democracy over this right. We have endured the abuses of Tamany Hall, and the Pendergast and Daley Machines. We survived the debacle of Florida in 2000. In each case we with the best of intentions have enacted reforms.

While the days of Bull Connor turning fire hoses on young voters may be over, those bent on voter suppression have only turned to more sophisticated devices. These modern-day tools include unfounded threats of arrest or loss of citizenship for failure to follow elaborate – and fictitious – procedural requirements, as well as deliberate disinformation with regard to correct polling locations, or even the actual date of election day.

Just ask the voters turned away from the polls in Florida in 2000 because they were illegally purged from the voting rolls. Or the voters who waited in pouring rain in inner city Columbus for hours, while their counterparts in the suburbs went to the head of the line. Or the African-American voters who were targeted in nearby Prince George's County, Maryland with false and misleading flyers.

While the notorious voter-suppression practices of the past have been outlawed, I believe it is time that we do the same with these notorious modern-day practices. In the past, we responded to the challenges laid down by Susan Anthony, and Martin Luther King. Today, modern day prophets like Bobby Kennedy, Jr. and the Rev. Jesse Jackson have clearly and eloquently spoken to the problems we face today.

If we are serious about protecting this most fundamental of rights, we have our work cut out for us. I have introduced one possible response, the "Deceptive Practices and Voter Intimidation Prevention Act" that would prohibit knowingly communicating false information with the intent to prevent another from voting.

While this may be one step in our efforts to reform the election process, it is not a complete solution. We also need to reduce our reliance on unverifiable electronic voting machines, so that American citizens can have confidence in the results of our elections. In each of the last three election cycles, electronic voting machines have literally lost tens of thousands of votes, with no means of accountability for this most cherished constitutional right.

We also need to better ensure fair allocation of voting machines in polling places. There is not a reason in the world we cannot give our citizens the benefit of an election day holiday.

And we need a fairer, more voter-friendly system for provisional ballots, so that innocent confusion on election day does not prevent eligible voters from casting a ballot and having it counted where reasonably practicable. We have seen disturbing instances of partisan state and local officials using hypertechnicalities to subvert the intent of the Help America Vote Act.

If we allow the infrastructure of our democracy to decay, our citizens will lose faith in our elections – too many already have – and the very legitimacy of our democratic institutions is at risk. Forty years after the passage of the Voting Rights Act – and I sat in this body when it was enacted – voters across the country continue to be the targets of deceptive practices and intimidation aimed at preventing them from voting. It is long past time for federal legislation to stop this from occurring.